

**ACCESS TO JUSTICE COMMISSION**  
**STATE BAR CENTER**  
**Call in Number: 1-866-640-4044; access code 474860**  
**Friday September 7, 2018**  
**12PM**

**Meeting Notes**

In attendance: Ed Marks, Pamela Herndon, Rudolfo Sanchez, Aja Brooks, Carol Skiba, Jennifer Foote, Mark Bennett, Debbie Norman, John Arango, Grace Spulak, Carol Garner, Rachel Rodriguez, George Chandler, Laura Bassein, Mark Fidel, Janice Kauer, Renee Valdez, Gary Housepian, Ellen Leitzer, Judge Shannon Bacon, Antonia Roybal-Mack, Sireesha Manne, Bette Fleishman, Judge Sarah Singleton, Kaitlyn Luck

1. Call to Order
2. Introductions
3. New Mexico Thrives-Tsiporah Nephesh
  - Tsiporah Nephesh, ED of New Mexico Thrives, gave an overview of New Mexico Thrives and a report on concerns about taxing non-profits.
  - New Mexico Thrives is a state-wide non profit association that aims to act as a collective voice for its non-profit members.
  - New Mexico Thrives conducted a survey of viability and vulnerability of non-profits in New Mexico (see attached meeting materials). Taxing non-profits would cause serious consequences for many New Mexico non-profits.
  - There are likely to be legislative proposals about taxing non-profits in the upcoming session.
  - Assumptions about taxing non-profits are that non-profits can make up funds lost to taxes through donations or grants. However, in reality, most non-profits are already maximizing donations and grant revenue. New Mexico ranks 41<sup>st</sup> per capita for foundation funds, meaning that grants are difficult to get in New Mexico.
  - New Mexico Thrives will present to the Revenue Stabilization and Tax Policy Subcommittee on the concerns about taxing non-profits in October or November.
  - Ms. Nephesh also gave information about contacting federal congresspeople regarding preserving the Johnson Amendment, which prohibits non-profits from endorsing candidates, and talking about her view that neutrality is important for non-profits to ensure that non-profits are able to serve everyone in diverse communities.
4. Pro Bono Working Group Report
  - The working group continues to look at encouraging government agency attorneys to perform pro bono work. The Senior Justice has requested that the Chief Justice reach

out to the Attorney General about AG staff performing pro bono work. Judge Bacon is attempting to contact the Second Judicial District Attorney's office about this issue as well. Once there is a change in administration, there may be new opportunities to discuss this with the Executive. City of Albuquerque attorneys are interested in assisting with name change cases to assist people who need a name change to obtain a REAL ID.

- HM 82-Pamelya Herndon, Southwest Women's Law Center, is researching the viability of tax credits for attorneys who do pro bono work. She will provide a report to the legislature in December 2018.
- CLE training for pro bono attorneys: the REAL ID legal fair was a good example of how this can work. Attorneys were provided a CLE training on legal issues related to REAL ID, and the cost of the CLE was waived if they volunteered at the legal fair. The working group wants to look at other opportunities to provide CLEs for attorneys doing pro bono work.
- The working group discussed ways to honor attorneys who perform pro bono. May have a pin for attorneys who do a specific number of pro bono hours. Also possibly have attorneys recognized by the legislature. Part of the complication is how to track hours to ensure that this recognition is meaningful.
- The Commission discussed the recommendation in the Carroll Strategies report of having all pro bono reported through the Volunteer Attorney Pool (VAP). There was discussion of whether to lower the recommended number of hours. Some concern that lowering the requirements won't necessarily encourage people to perform pro bono. Other meeting participants felt this would help people feel more comfortable about accurately reporting hours.
- Education and guidance is needed for attorneys on what pro bono is—e.g. sitting on a board or volunteering for a political campaign is not pro bono.
- Aja Brooks, NM Legal Aid, distributed the information about upcoming pro bono month events in October (see attached materials)

#### 5. Legal Aid Statewide Legal Helpline and Metro Court Update—Ed Marks

- Statewide legal helpline is now functioning as well as web application for callers to submit intake information
- NMLA only able to bring over 5 attorneys from LANM because of salary difference between NMLA and LANM scales and NMLA funding is lower than LANM
- On track for ~8500 calls/cases by the end of the year—numbers similar to LANM
- Developing system to prioritize calls
- Possibility of having pro bono clinic opportunities to serve non-urgent cases (also may be able to use pro bono/volunteer attorneys to follow up on counsel/advice cases)
- Main concern about service gap now that NMLA has taken over helpline is with non-citizens→NMLA can do intake but can't provide the legal advice to some non-citizen callers. They have developed a panel to provide the legal advice for individuals who they cannot serve.
- Income requirements are the same as LANM
- Metro Court project (tabling in lobby for tenants/some pro se landlords to help them understand legal terms): tabling is happening and most concerns regarding fairness of

having this occur in the courthouse have been resolved

6. Report from AOC ATJ Attorney--Grace Spulak

- Online forms project update
  - Using Guide and File software developed by Tyler. This software allows users to answer a series of “interview” questions that will then be used to populate the NM Supreme Court approved forms.
  - Currently working on divorce petition, response, and finalization documents.
  - Proposed roll out date for divorce filings is October 29
  - AOC working with JID and Supreme Court to finalize Guide and File forms and outreach to judges, court executives, and court clerks
- Statewide survey of self-help and pro bono resources
  - AOC attorney Grace Spulak is doing a survey of clinics and self-help centers at courts statewide to determine what is available and what other resources are needed.
  - Have visited Metro Court, 3<sup>rd</sup> Judicial District, 2<sup>nd</sup> Judicial District, 13<sup>th</sup> Legal Clinics, and will visit San Juan County District Court and Otero County in September.
  - Identified needs:
    - communication about clinics/events including some type of shared calendar—proposed that AOC could potentially manage this
    - resource guide of service providers that is continually updated
    - need for more volunteer attorneys
  - Will complete this in November and have report

7. Justice for All Initiative Update--Judge Nash/Liz McGrath

- Community Outreach Reports
  - Liz McGrath provided a summary of the community outreach meetings to date (see attached summary and meeting notes)
  - Part of the purpose of these meetings is capacity building and figuring out how services and providers can leverage each other more effectively
  - Antonia Roybal-Mack gave some takeaways from her meeting: pro bono services can't be the only way to meet the need; impression by some in community that civil legal service providers “don't do anything” and that some people who access them don't feel help from providers address what they say the need as being; also lots of confusion about who the civil legal service providers are—people think it is all Legal Aid. All of this suggests a need for education and outreach
  - As part of Justice for All work Commission should look at advisory group of community members
  - The Commission wants people to keep holding these meetings
  - The Commission will also hold regional meetings/listening sessions throughout the state during Fall 2018

- Next Steps/Strategic Planning Process
  - Need to make sure we have good knowledge from providers and users of the justice system to make sure our plan addresses the needs
  - Need to identify our performance indicators to make sure we can track progress toward our goals
  - Review other state plans to see how these states have addressed similar challenges including access in rural areas, poverty, and tribal-specific concerns. Other plans are available at:  
<https://www.ncsc.org/~media/Microsites/Files/access/JFA%20State%20Plans%20Combined.ashx>
  - The Commission will use their November and December meetings as “plan-athons” to develop the strategic plan.
  
- 8. Emerging Legal Issues
  - Question of whether the Uniform Guardianship and Conservatorship Act will be introduced this session
  
- 9. Other business:
  - January meeting will be held on January 11 instead of January 4.